

THAW DEFENCE IS ALL IN THE CASE LIKELY TO GO TO THE JURY BY THURSDAY.

Manic-Depressive Insanity Brought Out as Thaw's Alibi—Three Experts Make Expected Answer to the Hypothetical Question—Jerome Sees on Them.

The defence of Harry K. Thaw closed at 6:30 o'clock last evening. It is not expected that District Attorney Jerome will take more than a day in rebuttal, and the opening up will probably be on Wednesday. Justice Dowling, who has a great regard for speed, may charge the jury on Wednesday evening, but it is more likely that he will send the case to the jury on Thursday morning.

This trial has been shortened by two months as compared with the first trial. Although the hypothetical question was a long one, Mr. Thaw, Mr. Littleton, and Mr. Evans, read it in such rapid fashion that he did not take more than an hour and a half. Only three experts were examined, and after a brief direct examination they were disposed of by Mr. Jerome, all inside of an hour. Mr. Jerome had not made up his mind last night, but it is doubtful if he will call any experts. Up to last evening he did not have a hypothetical question ready and he has had no alibi in court.

It was the general impression that Mr. Jerome smashed the value of the testimony of the three experts for the defence. He made no attempt to treat their evidence seriously. As an example of his attitude toward them he got from Dr. Britton D. Evans the admission that at the last trial he swore that when Thaw killed White he was suffering from a brainstorm and then let him go.

If there is no hitch in the plan of last evening the testimony of Abner Hummel about the affidavit he says Evelyn Nesbit made in his office against Thaw will be taken at his bedside in the penitentiary on Blackwell's Island. Mr. Jerome said that he got word that Hummel was so sick he could not be removed from his bed. Mr. Jerome wanted Mr. Littleton to consent to Hummel's testimony at the last trial being read, but Mr. Littleton made some remarks about Hummel's reputation for suborning perjury and refused to consent.

Justice Dowling announced that Hummel's testimony would be taken this evening. Justice Dowling, the lawyers for both sides and newspaper men will be present. It is understood. The jury will not be present and Hummel's deposition will be read to them.

What Thaw suffered from when he was in Europe, when he killed White and at other times, was manic-depressive insanity, according to the testimony yesterday. This form of insanity was described as a combination of excitement and melancholia. It is recurrent and there is no way of telling generally when a person suffers from it may have another attack. This phase of the disease interested Justice Dowling, who asked the experts some questions which may have been on what will happen to Thaw should the jury acquit him.

The manic-depressive insanity was introduced by Dr. Sidney Russell Wells of London, who told of Thaw jumping around in his pajamas, scaring a nurse and later calling for twenty tons of ice and a squad of nurses. Other foreign witnesses told of things Thaw did abroad. All said that he did not have delirium tremens. The doctor who treated Thaw in Paris is said to have attempted suicide in Paris by taking laudanum testified that he pumped him out, but he did not say that he found traces of laudanum.

The defence did not succeed this time in getting in the will Thaw made on the day of his marriage to Evelyn Nesbit. One of the last things decided by Justice Dowling was that this would be taken as identified as being in the same condition as it was made.

DR. BINGAMAN TESTIFIES. The Thaw family physician, Dr. Charles F. Bingaman, was first on the witness stand when court opened. He is just recovering from an attack of pneumonia and he looked white and feeble. He told the jury that he first saw Harry Thaw when the latter was a child of 2 and that he had known him ever since. The child lay in a heavy stupor. He slept little and his digestion was poor. He was excessively nervous throughout his childhood and had long periods when he slept little. When he was 6 or 7 years old he had St. Vitus dance in a marked form.

"I saw him at his home in Pittsburgh in November in 1903," said the physician, "and he was then in a highly excitable condition. This was just before he had returned from Europe, where Evelyn Nesbit had told him of the relations between herself and Stanford White. Dr. Bingaman's last view of Thaw was about two months after the killing of White.

"I saw him at the Tomba," said the doctor, "and he shook hands with me through the bars. Dr. McGuire, the prison physician, was with me, and Thaw had the bars of his cell stuffed with newspapers. Dr. McGuire told him that he would have to take them down. He said he would not do so, and he died and died it would have been very well for this institution." After that he told me it was part of a general conspiracy to see that he caught on. I saw him in various ways to bring about his death so as to prevent him from exposing their lies. He asked me if I had any objection out of the way about the action of his heart, adding that the doctor who had examined him since the 'lot of Providence' had found him sane. He said he was very nervous and suspicious of everybody who came near him."

Dr. Bingaman said that Thaw's acts and appearance at that time seemed to him irrational. On cross-examination the witness said that at first he diagnosed the condition of Thaw as being a case of manic-depressive insanity. He said that he had seen many cases of this kind and that he thought they were due to nervous disease.

A PHYSICIAN FROM LONDON. The first of the foreign physicians summoned to the case on Wednesday was Dr. Sidney Russell Wells, one of the governing board of the University of London and an attending physician at several London hospitals. He boasts a very pretty red beard and a mustache of a tint no less fiery, and the contrast between his manners and his whiskers could not possibly be greater. He is a very nervous and excitable. He couldn't seem to talk consecutively and his pulse was rapid. He gave him an opiate and called again the next morning. At that time he diagnosed the case as one of mild mania. He sent for a trained nurse and put her in charge at once. The next time he called he found Thaw dancing around the room and only in his socks and in the jacket of his pajamas.

He was demanding that the nurse should help him put on his trousers," continued the doctor, grinning quite frankly, "but I quieted him by telling him that that was not a proper request. At that he danced around the room again using, oh, very blasphemous and er—yes—obscene language."

"How did you diagnose his case?" asked Mr. Littleton.

"As subacute mania," said the physician. "I got him an enormous room at the Devonshire Nursing Home. He said he wanted a big room, and I got the biggest they had. When we got into it he complained that he couldn't breathe because it was so small."

quantity of it—I believe about twenty tons. He asked to have it stacked up all about the room so that it would cool him off."

"Did he have any fever at the time?" asked Mr. Littleton.

"No," said Dr. Wells. "I saw him at the evidence of the thermometer he insisted that he should have the ice. He insisted that he was burning up with fever."

"Did he say anything about wanting more nurses?"

"Yes," said the witness with another ridiculous grin. "He said he wanted a corps of three or four nurses. I believe he said, 'I declared that he wanted to have them put in a squad and drill them.'"

Dr. Wells said that the mania lasted for about six days and that Thaw was entirely well except for some nervousness at the end of nine days. He never showed any signs of delirium tremens.

What was his condition when he left the hospital?" asked Mr. Littleton.

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interested in Dr. Wagner's testimony, and when Mr. Littleton got through he asked a few questions himself. Those who heard the questions thought that Dr. Wagner's answers may have great bearing on the case.

Dr. Wagner's action if Thaw is acquitted on the ground of insanity.

"It is a fact, is it not?" said Justice Dowling, "that these attacks of manic depressive insanity are apt to recur?"

"It is," said Dr. Wagner.

"Is there any certainty or way of telling when they will recur?"

"There is not," said Dr. Wagner.

"Is it not a fact that they are more apt to recur when the symptoms of disease have been noticed in early life than when they come later?"

"I do not think that is so," said the witness.

"What is your opinion?" asked Justice Dowling.

In my opinion there is no guide that can be laid down which will enable us to form any opinion.

There was no general way, the witness said, of telling when the lucid intervals would return, but it might be possible to tell in individual cases.

Dr. Evans, like Dr. Wagner, said that Thaw was of unsound mind when he examined him in the afternoon of the day he killed White, and that it was wrong when he killed White. He wasn't asked anything about manic-depressive insanity. But Dr. Littleton, who was called next, was. He didn't examine Thaw in the Tomb, but he said that on the hypothetical question Thaw did not understand what he was doing when he killed White.

His description of manic-depressive was about the same as Dr. Wagner's, but he added that there were mild and violent forms of it. The attacks were so much it was impossible to tell when they might recur. So Justice Dowling had to ask:

"Do you mean to say," he said, "that a person who has one of these attacks would commit an assault?"

"Yes," said Dr. Littleton. "They beat around, knock around, tear clothes, run through the streets or wards of institutions and do other maniacal acts."

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TEXTILE-ADVERTISING-OPPORTUNITY.

The Home Pattern Company, manufacturers and distributors of The Ladies' Home Journal Patterns, is seeking an experienced and energetic man to sell and advertise their patterns. The position is a permanent one, and the salary is commensurate with the position. The successful candidate will be given the opportunity to travel and to work in the most interesting and profitable field. The position is open to a man of any age, and to a man of any race or religion. The position is open to a man of any age, and to a man of any race or religion. The position is open to a man of any age, and to a man of any race or religion.

DIDN'T ASK BRYAN TO QUIT

CAMPBELL AND JONES TALKED RE-PUBLICAN POLITICS.

They and Bryan Cithered Out That Speaker Cannon Was the Likeliest Republican Nominee—Campbell Believes That Hearst Will Have to Support Bryan.

Daniel Campbell, Democratic national committeeman for Michigan, came over from Washington yesterday and was at the Hoffman House last night. It was Mr. Campbell, who with ex-Senator James K. Jones, a Democratic national committeeman in 1906 and 1908, called on William J. Bryan at the New Willard on Sunday, on which occasion it has been alleged that Mr. Jones requested, even demanded, of Bryan that he retire as a Democratic Presidential possibility. Mr. Campbell gave this version of the call last night:

"I accompanied Senator Jones to Mr. Bryan's room and we were together there most of the afternoon. We were in the room, Mr. Bryan, Mr. Jones or myself, discussed Democratic politics, and I am sure that at no time did Mr. Jones request or demand such as was printed this afternoon. I am certain about this. We discussed Republican politics, the probable candidate of the Republican party, and not a word was said about Bryan's retiring. He was to be the candidate of the Democratic party for President, and of that there is no possible doubt. When I read some of the reports of the day I called upon Senator Jones over the long distance telephone and asked if he had had a second interview with Mr. Bryan and had made any request or demand such as was printed this afternoon. Mr. Bryan, Senator Jones replied that he hadn't seen Mr. Bryan a second time and that there was no truth in the report."

"Well, who's to be the Democratic candidate for Vice-President?" Mr. Campbell was asked.

"I rather think," replied Mr. Campbell, "that Mr. Bryan is the man. He is the only man who has the nomination if he desired it. We must carry New York State in order to win the Vice-Presidency."

"Who did Mr. Bryan, Mr. Jones and yourself decide was to be the Republican candidate for President?" Mr. Campbell was asked.

"Well," replied Mr. Campbell, "we rather thought that Speaker Cannon stood the best chance of being elected. He is a man of high character and high ability, and in New York State Speaker Cannon, in our judgment, seems to be the more logical candidate for the Republicans to nominate. I am sure that Mr. Jones and myself decided that we would support Mr. Cannon."

"Why?"

"You see," answered Mr. Campbell, "with the present state of the people's mind against the railroads, it would be a very easy matter for the Democratic party to put Hughes on the ticket because of his record in the case of the railroads. I am sure that Mr. Jones and myself decided that we would support Mr. Cannon."

"What is Mr. Hearst's position in the Democratic party?"

"I don't believe," replied Mr. Campbell, "that Mr. Hearst is training his Independent League to succeed the Democratic party. I believe that Mr. Hearst is training his Independent League to succeed the Democratic party. I believe that Mr. Hearst is training his Independent League to succeed the Democratic party."

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DINNER IN HONOR OF BRYAN

SENATOR NEWLANDS GIVES IT AT HIS COUNTRY HOME.

Will Give Another Dinner To-night in Bryan's Honor—Several Democratic Senators Were Anxious to Tell Bryan to Retire, but Lacked the Nerve.

WASHINGTON, Jan. 27.—While two Great Dane dogs guarded the entrances to Senator Francis G. Newlands's beautiful country home on Woodley lane to-night, Mr. Newlands entertained at dinner in honor of William Jennings Bryan. The guests present were former Attorney-General Judson Harmon of Cincinnati and fourteen of Mr. Newlands's Democratic colleagues in the Senate. To-morrow night Mr. Newlands will entertain at dinner again in honor of Mr. Bryan and the guests will be all the rest of the Democratic Senators, with the exception of Mr. Teller of Colorado, who declined on the ground that he doesn't go to evening functions.

To-night's dinner, as to-morrow's will be, was an alphabetical affair. Mr. Newlands took the list of the thirty Democratic Senators, omitting his own name, and asked the first fifteen to sit at his board this evening and the other fifteen to come to-morrow. Senator Bailey of Texas was the only man of the first fifteen who declined the invitation. He did not say to-day why he had declined.

Senator Daniel of Virginia told Mr. Newlands that he would not attend the dinner if it was to have any political significance and Mr. Newlands assured him that it would not. Those present to-night were Senators Bacon, Bankhead, Bryan, Clarke, Clay, Daniel, Davis (Jeff), Foster, Frazier, Gore, Johnston, Latham, and McCreary. To-morrow's dinner guests will begin with Senator McNary and end with Senator Wiley.

There was much talk about the Bryan dinner around the Senate to-day and in the city. Mr. Newlands's assurance to Mr. Daniel that there was a strong suspicion that Mr. Newlands would be unable to prevent the affair from taking a political turn, according to a report by Mr. Newlands, was a subject of conversation. Mr. Newlands said that he was sure that at no time did Mr. Jones request or demand such as was printed this afternoon. I am certain about this. We discussed Republican politics, the probable candidate of the Republican party, and not a word was said about Bryan's retiring. He was to be the candidate of the Democratic party for President, and of that there is no possible doubt. When I read some of the reports of the day I called upon Senator Jones over the long distance telephone and asked if he had had a second interview with Mr. Bryan and had made any request or demand such as was printed this afternoon. Mr. Bryan, Senator Jones replied that he hadn't seen Mr. Bryan a second time and that there was no truth in the report."

Several of the Southern Democratic Senators have been extremely anxious to say to Mr. Bryan that he ought to let somebody else have the Presidential nomination this year. These Senators had talked the matter over among themselves and were planning to bring the suggestion to Mr. Bryan's attention during his present visit to Washington, but when the time came for them to do so they lacked the necessary nerve to carry out the idea.

It was understood among them that Senator Clay contemplated giving out an interview for Mr. Bryan's special benefit in which he would furnish reasons why Mr. Bryan should withdraw his name from consideration as a candidate, but Senator Newlands was persuaded that this would be unwise, and so the plan to have Mr. Bryan realize that leaders in the Democratic party believed that the good of the party demanded the nomination of another man fell by the wayside.

Mr. Bryan said to-day that since he had been in Washington nobody had suggested to him that he should retire. He said that he was not going to run for President again. He smiled when he said it. He did not see William F. Sheehan of New York or ex-Senator James Smith of New Jersey, whose visit here was supposed to be for the purpose of advising Mr. Bryan to withdraw.

The course of several hours spent at the Capitol to-day Mr. Bryan saw many Democrats and a considerable number of Republicans. He made his headquarters at the Hotel and Means Committee room on the House side.

Mr. Bryan went to the press gallery and to a time watched the proceedings of the House. He was seen to be very much interested in the proceedings. He was seen to be very much interested in the proceedings. He was seen to be very much interested in the proceedings.

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BERNEL AND A PARK SCANDAL

QUEENS GRAND JURY MAY CONSIDER THE TWO.

Horough President's Name Officially Mentioned in the Kitchen Investigation—An Obedient Witness Is Directed by the Court to Answer Questions About Him.

For the first time since the scandal arising from the sale of eighty-seven acres of swamp land known as Kisenka Park to the city for more than \$500,000 became public the name of Joseph Bernel, President of the Borough of Queens, was officially brought into the investigation yesterday when Deputy Attorney-General Nathan Vidaver appeared before Justice Garretson in the Flushing Supreme Court. George Motz, a notary public and in the employ of the Weitz-Zerweck Brewing Company of 162 Myrtle avenue, Brooklyn, had refused to answer questions put to him before the Grand Jury now sitting in Long Island City and Mr. Vidaver had him summoned before the court.

Vidaver was accompanied by Detective Sergeant George Wheeler, attached to the office of the District Attorney of Queens county, while Motz insisted in taking along his counsel, Congressman William Willet, Jr., of Far Rockaway. Following a few minutes conference between Mr. Vidaver and the Justice in chambers Justice Garretson took his seat in court. Mr. Vidaver made known his mission. He began by saying:

"I have been assigned by the Attorney General as special deputy to conduct the investigation now going on before the Queens county Grand Jury in relation to the sale of a plot of land in Flushing known as Kisenka Park."

"To-day there is being presented to the Grand Jury the case of the People of the State of New York against Joseph Bernel. This announcement created a stir in the crowded court room, the public coupling of